

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
KAWAN R. CLARK,)
)
Defendant.)

No. 05-00083-01-CR-W-HFS

MOTION FOR DETENTION

Comes now the United States of America, by and through its undersigned counsel, and hereby moves this Court to order the detention of Kawan R. Clark, and states the following in support of the motion:

1. This motion is being made at the defendant's first appearance before a judicial officer. An Indictment has been filed charging the defendant with being a felon in possession of firearms, in violation of 18 U.S.C. § 922(g)(1).

2. This case involves a crime of violence. *See* 18 U.S.C. § 3142(f)(1)(A); *United States v. Shirley*, 189 F. Supp. 2d 966, 968 (W.D. Mo. 2002) (the charged offense of possession of a firearm by a convicted felon is a crime of violence under the Bail Reform Act).

3. The defendant has three prior convictions for Trafficking in the Second Degree in 2000, Possession of a Controlled Substance in 2000, and Possession of a Controlled Substance in 2000.

4. The United States submits that there is clear and convincing evidence that there are no conditions which the Court could place on the defendant's release which would reasonably assure the defendant's appearance in Court and the safety of the community. *See* 18 U.S.C. § 3142(g):

(1) nature and circumstances of the offense; (2) weight of the evidence; (3) whether the defendant was on probation/parole at the time of the offense; and (4) danger to the community. Because of this, the United States requests that a Detention Hearing be held and that the defendant be detained. *See generally, United States v. Sazenski*, 806 F.2d 846, 848 (8th Cir. 1986); *United States v. Warren*, 787 F.2d 1337, 1338 (8th Cir. 1986).

WHEREFORE, based on the foregoing, the United States requests that the Court hold a Detention Hearing in accordance with 18 U.S.C. § 3142(f)(1)(A), and following such hearing, order the detention of the defendant.

Respectfully submitted,

Todd P. Graves
United States Attorney

By: /s/Paul S. Becker
Paul S. Becker
Assistant United States Attorney
Chief, Organized Crime Strike Force Unit

/s/Bruce E. Clark
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sgs

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that a copy of the foregoing document will be hand-delivered to the defendant at his first appearance before a judicial officer.

/s/Bruce E. Clark
Bruce E. Clark, #31443
Assistant United States Attorney
Organized Crime Strike Force Unit